

By Mr. Minahan of Wakefield (by request), petition of Myrna Dunham Jung and another relative to an investigation of the misuse of federal funds, state money and community taxes for programs for sick, elderly and handicapped persons in facilities. Human Services and Eldery Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-One.

AN ACT RELATIVE TO THE APPOINTMENT OF A LEGISLATIVE PANEL BY THE GOVERNOR FOR AN IN DEPTH STUDY OF THE MISUSE OF FEDERAL FUNDS, STATE MONEY AND COMMUNITY TAXES. RESEARCH ON THE NEEDS, DESIRES AND CAPABILITIES OF THE SICK, ELDERLY AND HANDICAPPED COVERS 35 YEARS AND WOULD BE AVAILABLE WITHOUT CHARGE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Millions poured into Medicare-Medicaid and other Health-care
2 programs for the sick, elderly and handicapped in Nursing Homes
3 and related facilities (hospitals and mental institutions) have been
4 misused since the advent of MEDICARE-MEDICAID in 1966.

5 *By: Unscrupulous doctors* for services not rendered.
6 *Nursing Homes* for repairs and refurbishing private living quar-
7 ters.

8 *Druggists* who overcharged Medicare-Medicaid for drugs.
9 *State Departments, Offices, Associations, Organizations,* and
10 *Providers* who authorized the payment of MEDICAID funds as
11 bonuses.

12 Paid to some homes not qualified for Medicaid.
13 *A Medical Association* authorized to monitor the quality of care
14 and costs for Medicare-Medicaid patients through a PSRO (Pro-
15 fessional Standards Review Organization) misused funds to set up
16 a Health Care Foundation.

17 *A Laboratory* that falsified tests and charged Medicare and
18 Medicaid for tests not given.

19 *Nursing Homes* who sent patients into a Hospital, but refused to
20 accept them again. Patients have remained in hospitals at hospital
21 cost because they could not be placed.

22 *Nursing Homes* where the patients' personal funds were misused
23 leaving the patient without enough allowance to pay for good
24 shoes and warm underwear

25 *Abuse Expose'*

26 The first *Abuse Expose'* was on national television ten years ago
27 — December 1, 1970. It was followed by news reports and maga-
28 zine articles. In 1971 "SCOPE", a pull-out section in the Boston
29 Herald-Traveler told of Boston Nursing Homes. In 1973, the
30 Globe published Joseph Levin's group survey — "Nursing Homes
31 — the last stop for many". In 1974 the book "Tender Loving
32 Greed" was published. It named two attorneys general of Mass.
33 who failed to act on evidence of improper financial dealings placed
34 before them.

35 From the advent of Medicare-Medicaid to 1977 Sen. Frank
36 Moss of Utah was the author of virtually all the nursing home
37 legislation on the books. In 1977, his book "Too Old, Too Sick,
38 Too Bad" was published. Rarely a day goes by that we don't read of
39 fraud, indictments and convictions for the misuse of Federal funds,
40 state money or Community Taxes.

41 In May 1970 "The Final Shame" series ran in the Herald Ameri-
42 can.

43 "In June 1979 "The Spotlight Series" ran in the Boston Globe.
44 On March 26, 1980 hearings were held before the Joint Health
45 Care Committees — Senate and House.

46 The names of more than a dozen legislators appeared on the
47 several bills filed, but they were written into one bill calling for a
48 \$1000 fine for professional people and nursing home workers who
49 did not report abuse. In the rewriting three important bills were
50 lost — one on child abuse, one on abuse of elderly in their own
51 homes and a third the CTS-AARP bill that would have altered
52 450,000 members.

53 A STUDY OF THE PAST CAN BE A CURE FOR THE
54 FUTURE.